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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLN. OF: ASPAR et al.  
SERIAL NO.: 10/784,601  
FILED: February 23, 2004  
FOR: A Method for Producing a Thin Layer of Semiconductor Material  
DOCKET: BREV 12370 CON4

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and that the documents listed on the attached Form PTO-1449 be considered by the Examiner and made of record.

Applicants wish to bring to the attention of the Examiner the existence of a co-pending reissue patent application having serial no. 10/449,786, filed May 30, 2003 and pending in Group Art Unit 2813 before Examiner Erik J. Kielin. The reissue patent application is assigned to the assignee of record in the above-referenced application and seeks to reissue U.S. Patent 5,374,564, which is of record in the present application. Michel Bruel is the sole inventor of U.S. Patent 5,374,564 and a co-inventor of the present application. In accordance with 37 C.F.R.

§ 1.98(a)(2), a copy of the claims currently pending in the reissue application are enclosed.

The reissue application was filed during concurrent litigation involving U.S. Patent 5,374,564 in the District of Massachusetts (*Soitec, S.A. and Commissariat a L'Energie*

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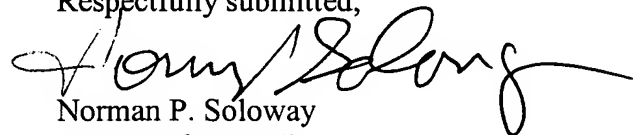
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*Atomique v. Silicon Genesis Corporation* (cv 99-10826-NG)), and of a subsequent appeal to the Court of Appeals for the Federal Circuit (*Soitec, S.A. and Commissariat a L'Energie Atomique* (Plaintiffs-Appellants) *v. Silicon Genesis Corporation* (Defendant-Cross Appellant) (Case no. 03-1080)). On November 26, 2003, the Court of Appeals for the Federal Circuit rendered its decision upholding the district court's August 23, 2002 finding of invalidity of claims 1-3, 5 and 9 for lack of enablement. On January 7, 2004, the Court of Appeals issued an Order denying Appellant's Petition for rehearing and issued a Judgment Mandate.

This Information Disclosure Statement is being made pursuant to the duty of disclosure imposed by law and formulated in 37 CFR 1.56(a). No representation is made that the information thus disclosed in fact constitutes prior art or that it is the closest prior art inasmuch as 37 CFR 1.56(a) relies on a materiality concept.

The enclosed Supplemental Information Disclosure Statement is being submitted before the first action on the merits. Therefore, we believe there are no fees involved with this Information Disclosure Statement. In the event there are additional fees payable, please charge them to our Deposit Account No. 08-1391.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 2, 2004 at Tucson, Arizona.

By: 

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